

SEP 07 2005

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISIONJOHN F. CORCORAN, CLERK
BY:  DEPUTY CLERKWILLIAM A. BRENNAN,
Petitioner,

v.

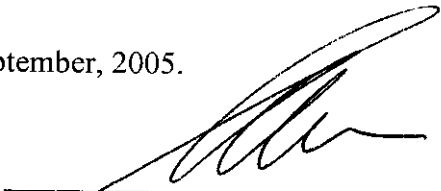
UNITED STATES OF AMERICA,
Respondent.

Case No. 7:05cv00300

MEMORANDUM OPINION AND
ORDERBy: Samuel G. Wilson
United States District Judge

This matter is before the court on the petitioner's motion requesting appointment of counsel. The court shall only appoint counsel to a habeas petitioner in conjunction with an evidentiary hearing or when the court determines that the interests of justice otherwise require appointment of counsel. 18 U.S.C. § 3006A. The court has not granted Brennan an evidentiary hearing, and because of the relative simplicity of Brennan's claims and because of his established ability to communicate with the court, the court does not find that the interests of justice require appointment of counsel.

Accordingly, the court finds that the Brennan has not alleged circumstances justifying appointment of counsel at this time, and it is hereby **ORDERED** that Brennan's motion is **DENIED**. Brennan may renew his request for appointment of counsel at any later time, should the need for a hearing arise in this action.

ENTER: This 7th day of September, 2005.
UNITED STATES DISTRICT JUDGE